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Fax to: **Richard M. Ross**  
*PCT Petitions Attorney*

16 OCT 2001

*PCT Legal Office*

**(703) 308-6459**

Patrick J. G. Stiennon

Date: October 16, 2001, 2001

Time: 10:34

Our Reference: VALMET-5210

U.S. application number: 09/763,213 also referred to as 09/763,214 which is a continuation of PCT/U.S. 97/17417

This transmission has 8 pages (including this sheet)

**A Second Renewed Petition under  
37 CFR 1.137 (b) follows.**

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In The United States Patent And Trademark Office

Applicant: Xuekui Lan et al. Date: October 16, 2001  
Date Filed: September 26, 1997 Docket No.: VALMET-5210  
App. No.: PCT/US97/17417 U.S. App. No. 09/763,213  
For: Method and Apparatus for the High Speed Application of Coating to a  
Traveling Paper Web

Certificate of Facsimile Transmission	
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Patrick J. G. Stiennon, Reg. No. 34934	
Name of applicant, assignee or Registered Representative	

**Second Renewed Petition under 37 CFR 1.137 (b)**

Attention: PCT Legal Office  
Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Please verify the correct U.S. application number for the U.S. bypass application. The postcard from the PTO provides a serial number of 09/763213, a copy of the postcard is attached. The Decision on Renewed Petition to Revive Abandon Application under 37 CFR 1.137 (b) dated Sept. 6, 2001 gives in the heading an application number of 09/763214.

Applicant's petition for revival was for a second time dismissed without prejudice, for failure to make an adequate showing that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional." Applicant again respectfully requests reconsideration on the merits of the

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Application No.: PCT/US97/17417

previously filed petition.

In the Decision, the PCT Legal Office requested some further explanation as to how Mr. Lowe's docket system could alert him to the 30 month deadline for national stage entry but not alert him to the 30 month deadline for entry into the national stage in the United States.

Mr. Lowe's docket system simply provided notice of the thirty month deadline for national stage entry, as is clear from his statement which is of record. From the Statement of James E. Lowe, Jr.:

Based on this docket system I was reminded of the 30 month deadline for entering the national phase, based on PCT/U.S. 97/17417 (my reference No. 40422). However, my docket did not provide a specific indication of the necessity of entering the national phase in the United States.

Notice of the 30 month deadline, when combined the information in the file (as indicated by exhibits C and E, and the cover sheet of the PCT application) is implicit notice of the fact that the national stage must be entered in the United States (as well as all other countries) by the docketed deadline. However, without a realization, i.e. an understanding, by the patent owner, as represented by Mr. Lowe and Mr. Wedel, of this implicit notice, the failure to take action cannot be intentional abandonment. Even though examination of the file would put one on notice of the necessity of entering the U.S. national phase, because entering the national stage in the U.S. was not the usual practice<sup>1</sup> of the Beloit Corp. Patent Department it did not result in such realization in the mind of Mr. Lowe or of Mr. Wedel as evidenced by their statement and declaration

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<sup>1</sup> It is clearly implicit in the statements Mr. Lowe and the declaration of Mr. Wedel, that it was not in their expectation that the 30 month deadline meant it was necessary to consider filing any national phase application United States. Undersigned counsel reviewed the PTO records at the PTO web site for the last 50 issuing Beloit patents 5,964,563 through 6,261,368, of these 50 patents one 5,980,634 was based, on a European patent application, three were national stage PCT applications, 6,076,762; 6,082,660; 6,089,496 but in each case it was a European filed PCT with apparently foreign inventors.

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Application No.: PCT/US97/17417

respectively.

Mr. Lowe, in his statement, states "To the best of my knowledge and belief at no time was a decision to abandon the United States national phase application considered by anyone. At no time did I intend, nor did the then present owner intend, the abandonment of the national phase application...."

Mr. Wedel in his declaration states "I would not have considered the request [Exhibit D] to carry with it the possibility that the corresponding USA application would be abandoned...."

All parties who could have taken action to avoid abandonment are now on record as stating abandonment was not intended.

The Decision of the PCT Legal Office requires a copy of the response received from Beloit Technologies in response to the inquiry represented by exhibit D.

The files relating to this matter, and the corresponding European application, or any other file known to the undersigned, do not contain Mr. Wedel's reply to the letter of exhibit D, thus it cannot be supplied. However the declaration of Mr. Wedel, while indicating the declarant has neither recollection, nor files pertaining to the particular case, provides substantiating evidence for the conclusion that Mr. Wedel would not have been put on notice of the impending abandonment by the letter of Exhibit D. And Mr. Wedel further states "[i]t would be quite unlikely that Beloit would, for any reason, elect to file for patent coverage in a foreign country and not have corresponding applications in the USA."

I am counsel for Metso Paper, Inc., and I have communicated with and obtained a Declaration and Power of Attorney and an Assignment from the Inventors, I have spoken with Jerry Matthews, the agent of record for the PCT application concerning this matter, I have spoken to Mr. Lowe, I have communicated by e-mail and phone mail with Mr. Wedel, I have reviewed the files, and have found no evidence, and heard no opinion which would support a conclusion that Beloit intended to abandon the U.S. national phase application. On the other hand, of record in this petition is the statement of Mr. Lowe, and of myself, and the declaration of

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Application No.: PCT/US97/17417

Mr. Wedel, placing on the record that the two attorneys who have dealt with this application from before the abandonment to the current time have not intended abandonment, and that Mr. Wedel would not have considered the communication of Exhibit D to carry within it the possibility that the corresponding U.S. application would be abandoned.

Because no questions remain unanswered and the facts of record show no intent to abandon, it is respectfully submitted that the requirements of 37 C.F.R. 1.137 have been met, and therefore favorable action on the Petition is requested.

Respectfully submitted,



Patrick J. G. Stiennon, Reg. No. 34934  
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replydraft2.res/amd1

Patrick Stremmon, Reg. No. 34934

In the United States Patent and Trademark Office

Applicant

Xuekui Lan et al.

Date Mailed

February 2001

Docket Number

VALMET-5210

09/763213

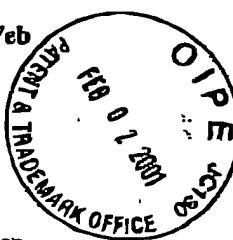
For: Method and Apparatus for the High Speed  
Application of Coating to a Traveling Paper Web

Application No.: PCT/US01/17247

Honorable Commissioner of Patents and Trademarks:

Please acknowledge receipt of the following:

- Check for \$1,950.00
- Transmittal Form (1 p)
- Fee Transmittal (1 p)(2 copies)
- PTO/SB/64 Petition for Relief of an Application  
for Patent Application Unintentionally Abandoned (2pp) (2 copies)
- Detailed Statement of How Delay in Discovering the  
Abandoned Status Occurred (3 pp) with (3) attached Exhibits
- Patent Application and Claims (22 pp) with 7 sheets of formal drawings
- Preliminary Amendment
- Information Disclosure Statement (2 pp)
- PTO/82 (1p) with 8 attached documents
- Appointment of Associate Attorney under 37 CFR 1.34 (1 p)



PTO-903A (2-01) 02 FEB 2001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Xuekui Lan et al.

Docket No.: VALMET-5210

Date Filed: February 2, 2001

Continuation of: PCT/US97/17417

Application No.: 09/763213

Examiner:

For: Method and Apparatus for the High Speed Application of Coating to a Traveling Paper Web

## Declaration of Gregory L. Wedel

1. I have reviewed the redacted letter labeled exhibit D which is attached to this declaration. I am the person to whom the letter was addressed.
2. I did not retain any of my correspondence files on these matters when I left Beloit, so I have to go by memory. I do not recall the specific details of this particular application, but I do recall receiving a number of requests from Jim Lowe, asking for recommendations with respect to coverage of the Beloit patents. Jim was managing this rather large patent portfolio in the transition from Beloit's Patent department to the liquidation of Beloit under the bankruptcy court.
3. I can say that whenever I was asked for recommendations for foreign coverage, I replied with respect to filing in countries other than the USA. If asked for recommendations for foreign coverage, I would not have considered the request to carry with it the possibility that the corresponding USA applications would be abandoned if I did not specifically request that they be continued.
4. To the contrary, Beloit Corporation had a practice of filing all of its patent applications in the USA. The USA applications were generally the priority applications, with foreign applications following within the convention period, which I believe was one year. Patent coverage of Beloit inventions was not always or consistently extended to countries other than the USA, due to the high cost of patent filing and maintenance, but the USA was considered to be a minimum for coverage.
5. It would be quite unlikely that Beloit would, for any reason, elect to file for patent coverage in a foreign country and not have corresponding applications in the USA. The USA represents about 40% of the world-wide production capacity of pulp and paper and the USA represented a very large percentage of the Beloit Corporation installed base of equipment.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



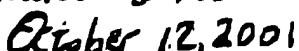
Gregory L. Wedel

VP Marketing and Technology

The Johnson Corporation

805 Wood Street

Three Rivers, Michigan, USA 49093



Date of Signature

Harnischfeger Industries, Inc.

November 18, 1999



TO: Greg Wedel  
FROM: Delores Enders  
RE: Foreign Filing

The following patent applications are due for filing in other/specific countries:

High Speed Coating of Traveling Paper Webs - via continuous coating fluid flow loops in coater head (Inventor: Brian George) - Our File 34032 40422

[REDACTED] Our File 34036

[REDACTED] - Our File 34034

[REDACTED] - Our File 40427

[REDACTED] - Our File 34057

[REDACTED] - Our File 34059

Please give us your response, before the end of November, as to what countries (if any) that you wish to file these applications in.

USPTO/PCT LEGAL

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\*\* RX REPORT \*\*  
\* \*\*\*\*\*

RECEPTION OK

TX/RX NO	7636
CONNECTION TEL	608+257+1507
CONNECTION ID	
START TIME	10/16 (TU) 11:27
USAGE TIME	02 '35"
PGS.	8
RESULT	OK